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ALEXANDER L. STEVAS,  
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No.

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IN THE  
SUPREME COURT OF THE UNITED STATES

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OCTOBER TERM, 1983

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EDWARD RONWIN,  
Petitioner,  
vs.  
SUPREME COURT OF ARIZONA,  
Respondent.

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PETITION FOR A WRIT OF  
CERTIORARI TO THE  
SUPREME COURT OF ARIZONA

---

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QUESTIONS PRESENTED FOR REVIEW

1. Consistent with the Fifth and Fourteenth Amendments, can an application for admission to the State Bar of Arizona be denied by the novel technique of "trial by judicial notice" of Petitioner's allegations in pleadings and briefs in United States District court cases which were never tried; in which the District Courts held that they lacked subject matter jurisdiction and which cases were never before Respondent Court for adjudication; and, when no notice was given to Petitioner of what charges or allegations Respondent wished to examine and when Respondent refused any hearing thereon?

2. Are Respondent's standards for determining mental ability to practice law rational when said standards ignore expert medical determination and substitute Respondent's view of untried and untested allegations of Petitioner in documents filed in cases not before Respondent for adjudi-

cation even though Respondent admits that the expert medical evidence holds Petitioner to be mentally able to practice law?

OTHER PARTIES BELOW

There are no other parties below.

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OPINIONS BELOW

The judgment of the Arizona Supreme Court was entered on July 6, 1983, In the Matter of Edward Ronwin, Cause Nos. SB 52-8/52-9, and is reproduced in the Appendix.

JURISDICTION

Jurisdiction to review this matter is

lodged in this Court by the terms of 28 U.S.C. §1257. See also, District of Columbia Court of Appeals v. Feldman, \_\_\_ U.S. \_\_\_, 103 S.Ct. 1303, 1314-1316 (1983). This Petition is filed within 90 days after July 6, 1983.

CONSTITUTIONAL AND STATUTORY PROVISIONS

United States Constitution,

First Amendment:

Congress shall make no law..abridging the freedom of speech, or of the press...

Fifth Amendment:

No person shall..be deprived of life, liberty, or property, without due process of law...

Fourteenth Amendment: Section 1.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Arizona Revised Statutes,

Rules of the Arizona Supreme Court,

Vol. 17 A, A.R.S., Rule 28(c) IV(3)

No applicant for admission to the State Bar of Arizona shall be recommended for admission by the Committee on Character and Fitness unless the Committee is satisfied:...

3. That he is mentally and physically able to engage in active and continuous practice of law;....

#### STATEMENT OF THE CASE

In December, 1980, Petitioner ("Ronwin") filed his eighth application for admission to the Arizona State Bar directly with Respondent as required by Respondent in 1977. For the first time since February, 1974, and after denying 5 applications without hearing, Respondent permitted Ronwin to

take the February, 1982 Bar examination; which Ronwin failed. Ronwin then filed his ninth application which was consolidated with the eighth and Ronwin took and passed the July, 1982 Bar examination.

However, Respondent had not yet determined Ronwin's "mental ability to practice law."

A hearing master was appointed; a stipulation was agreed to by Ronwin to allow the master to decide Ronwin's "mental ability" on the matters of record in the eighth/ninth application, which, as to the question before the master, consisted mainly of the reports of 3 medical experts, each concluding that Ronwin was "mentally able."

The hearing master agreed that on the medical records Ronwin was "mentally able;" but, taking untried and untested allegations in Ronwin's pleadings filed in civil rights actions in United States District Court for the District of Arizona with

which he disagreed, the master concluded that Ronwin was "not mentally able."

Subsequent proceedings resulted in Respondent's order of April 27, 1983 vacating the Stipulation and the Master's Report and declaring that Respondent would "make an independent review of fact and law" in Ronwin's case. Said order of April 27, 1983, is reproduced in the Appendix, p. 55-57. Per said order, the review was to be based on the records in all applications filed by Ronwin with Respondent and the records of the cases filed by Ronwin in United States District Court for the District of Arizona and on the medical reports on Ronwin's mental ability. However, Respondent exclaimed that it would do, what Respondent had rejected in the Master's Report; i.e., "In considering its own records and the files of the district court actions, [Respondent] proposes insofar as possible to take judicial notice of the

matters contained in each file." Appendix, p. 56 . Said order also gave Ronwin 15 days to file a "written memorandum in support of his position with regard to any of the foregoing matters and with regard to the issues presented from the record;" and, Respondent allowed Ronwin to "present in writing..any factual matter which [Ronwin] wishes [Respondent] to consider as part of the record..", Appendix, p. 56-57.

By lengthy motion, a small part of which is reproduced in the Appendix, p. 57-59 , Ronwin objected to Respondent's intended procedural formula and requested that the specifics of any charges against Ronwin be made known to Ronwin, and that Ronwin be given an evidentiary hearing in which Ronwin could call witnesses and cross-examine adverse witnesses and have an impartial decisionmaker, Appendix, p. 58-59 . By order of May 25, 1983, reproduced in the Appen-

dix, p. 60 , Respondent disregarded Ronwin's demand for due process; and, in its decision of July 6, 1983, Appendix, p. 1, et seq., Respondent declared Ronwin not "mentally able" to practice law using "trial by judicial notice" of Ronwin's untested and untried allegations in pleadings and briefs in United States District Court cases which were never within Respondent's jurisdiction and, in the process, used tests or standards for mental ability which are (i) irrational, and (ii) thinly veiled assaults on Ronwin's First Amendment rights.

Ronwin was admitted to the practice of law in the State of Iowa on June 13, 1974 and actively practices law in Iowa.

#### REASONS FOR GRANTING THE WRIT

1. Can Respondent deny an application for Bar admission without adequate notice and without hearing and declare an applicant mentally unable to practice law using the



technique of "trial by judicial notice?"

In Schwabe v. Board of Bar Examiners of State of New Mexico, 353 U.S. 232, 238, 77 S.Ct. 752, 756, 1 L.Ed.2d 796 (1957), this Court barred exclusion from the practice of law by manners or for reasons which contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment and required that qualifications demanded of Bar applicants, and presumably the standards and tests therefor, have a "rational connection with the applicant's fitness or capacity to practice law," 353 U.S. at 239, 77 S.Ct. at 756. In Greene v. McElroy, 360 U.S. 474, 492, 79 S.Ct. 1400, 1411 (1959), this Court declared the right to follow a chosen profession free from unreasonable governmental interference to be within the compass of the liberty and property concepts of the Fifth Amendment. The Court eloquently reminded us of the due process principles which govern determin-

ations of the right to pursue a profession, Greene, 360 U.S. at 496-497, 79 S.Ct. at 1413-1414. This Court has explained that the right to enjoy property without unlawful deprivation, no less than the right to speak or to travel, is a "personal" right, Lynch v. Household Finance Corp., 405 U.S. 538, 552, 92 S.Ct. 1113, 1122, 31 L.Ed.2d 424 (1972), reh. den. 406 U.S. 911. Enlarging on Greene, this Court set forth specific constituents of due process which must be present when government adjudicates important, "personal" rights, Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 1017, 1020-1022 (1970). Most apropos, are the observations in Willner v. Committee on Character and Fitness, 373 U.S. 96, 83 S.Ct. 1175 (1963), which hold "admission to the bar of a state" to be a "right," 373 U.S. at 102, 83 S.Ct. at 1179; and, this Court emphasized the need for confrontation and cross-examination in (contested)

Bar admission matters, 373 U.S. at 103-104, 83 S.Ct. at 1180:

We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. See *Greene v. McElroy*..and cases cited. That view has been taken by several state courts when it comes to procedural due process and the admission to practice law..(citing, inter alia, *Application of Burke*, 87 Ariz. 336, 351 P.2d 169)..We think the need for confrontation is a necessary conclusion from the requirements of procedural due process in a situation such as this..;

and continuing, 373 U.S. at 105, 83 S.Ct. at 1181:

'But a 'full hearing'--a fair and open hearing--requires more than that. \* \* \* Those who are brought into contest with\* \* \* Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command.' *Morgan v. United States*, 304 U.S. 1, 18-19, 58 S.Ct. 773, 776, 82 L.Ed. 1129.

Petitioner has no opportunity to ascertain and contest the bases of the Committee's reports to the Appellate Division, and the Appellate Division

gave him no separate hearing. Yet, '[t]he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps.'...

In sum, the thrust of this Court's decisions is that the right to admission to a Bar and the right to pursue a profession flow from the personal rights to due process and equal protection under the Fifth and Fourteenth Amendments; and, the determination of those rights by government demands no less than a full and fair hearing with opportunity for confrontation and cross-examination preceded by adequate notice of "...what the Government proposes...", Willner, 373 U.S. at 105, 83 S.Ct. at 1181.

Despite the clear enunciation of the relevant law by this Court, Respondent, while acknowledging Ronwin's "...demands [for] an evidentiary hearing...", Appendix, p. 34, asserts, "...We believe, however, that an evidentiary hearing is unnecessary and

inappropriate...," Appendix, p. 34 . Respondent verifies Ronwin's claim, made hereinabove, p. 7, by proclaiming: "...we may take judicial notice of such adjudicative facts as are 'capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned,'" Appendix, p. 11 . As claimed by Ronwin, p. 7, Respondent admits: "...we stated that our review of the facts would extend to matters established on the records of our files and the record of the files of the U.S. District Court for the District of Arizona in certain, specified cases," Appendix, p. 11.

What Respondent actually did was to take selected, untried and untested allegations from Ronwin's pleadings and briefs which displeased Respondent; and, acting as though Respondent's displeasure, without more, constituted an accurate determination of the truth, falsity and intent of said

allegations, Respondent justified its holding that Ronwin was not "mentally able." That method is exemplified by the text in Respondent's decision, Appendix, p. 21-22

From examination of the pleadings and affidavits prepared, signed and filed by Ronwin in our files and in the various federal court actions, it is apparent that applicant's personality disorder affects his conduct. With neither care nor caution, and restrained only by the outer limits of his intense anger, Ronwin has filled his pleadings with allegations of serious misconduct against the willing and unwilling participants in the proceedings which have led him to his present plight. These are not allegations of legal error, but, rather, accusations of knowing misconduct, plus misfeasance in office.

Following the above quotation, Respondent sets out various allegations attributed to Ronwin as though each and every allegation is false, Appendix, pp.22-26. Although, none of the allegations have ever been tested or tried before the juries demanded in the U.S. District Court cases. Based on that "trial by judicial notice," Respondent exclaims, Appendix, p. 26 :

The examples cited suffice to establish that Ronwin's reaction to adversity manifests itself in behavior which is grossly improper for a lawyer and which cannot be tolerated..

What is "grossly improper" is Respondent's judicial technique which can be illustrated by just one blatant example. Respondent focuses on an allegation, saying, Appendix, p. 23 :

In von Ammon I, we are told that a different federal judge knowingly tolerated illegal activity by attorneys..

In the Appendix, p. 60-63 , Ronwin has set forth the facts leading to the allegation referred to in the preceding quotation. As an absolute fact, two Arizona attorneys (one of whom "served" as Ronwin's attorney in the Special Committee hearing in 1975 referred to in Respondent's decision, Appendix, p. 3 ) lied to and attempted to deceive the United States District Court. The Court reporter's affidavit uncovered their lie and deceit and in their respond-

ing brief the two attorneys effectively admitted their deceitful action which is an illegal act in Arizona, Ariz. Rev. Stat., §32-265(1). The matter was brought to the federal judge's attention--he took no action against the two attorneys. Thereby, the federal judge "knowingly tolerated illegal activity by attorneys." Ronwin told and is telling the absolute truth in making the allegation attributed to him; yet, that becomes, without a hearing, a basis for labelling Ronwin as not "mentally able" to practice law!

Most probative hereto, is Respondent's startling admission, Appendix, p. 34:

Ronwin demands an evidentiary hearing at which he would present evidence in an attempt to establish his grounds to believe in the truth of each of the many allegations and charges which he has made against judges, lawyers, clerks, committee members, etc. If the truth or his belief in the truth of these allegations were of importance to this decision, due process would entitle Ronwin to such a hearing...



Obviously, even if Ronwin's allegations are absolutely true, as shown by the example on pp. 14-15, supra, Respondent is determined to find Ronwin to be mentally unable and to deny him the right to practice law in Arizona, in utter disdain of fundamental, constitutional principles by use of "trial by judicial notice" which is a "trial" that guarantees--from Respondent's own statement quoted above, that the truth shall not prevail!

Respondent persists in its disregard of constitutional requirements with respect to Ronwin's applications for admission to the State Bar of Arizona. Thus, while Respondent admits Ronwin's claim that "between February 1977 and February 1980" Ronwin's applications were denied, Appendix, p. 5-6 , Respondent fails to admit that there were five such applications, (carrying Respondent's case nos. SB 52-3 to SB

52-7, inclusive) and that each denial was without adequate notice of "what the Government proposes," Willner, supra, and without a full hearing or, in fact, any hearing.

2. Can an applicant for Bar admission be declared mentally unable to practice law contrary to medical findings and on the basis of (i) untried and untested allegations made in pleadings and briefs and (ii) on the basis of a "non-medically recognized mental condition?"

In Application of Ronwin, 113 Ariz. 357, 555 P.2d 315, 317 (1976), cert. den. 430 U.S. 907, Respondent discovered a novel disease, disability or condition; i.e., the "non-medically recognized mental condition." Such a condition cannot be allowed to determine a Bar applicant's mental ability. The "standard" is irrational in that there are no known diagnoses for the alleged condition; no known cures; no known class

of practitioners versed in the recognition, treatment and care of the alleged condition. Any layman in a position of authority can simply level the charge that an individual has a "non-medically recognized mental condition," and use that as a pretext to deny basic civil rights. Respondent grudgingly admits that the medical evidence holds Ronwin to be mentally able; thus, Respondent notes, Appendix, p.14.

On the former issue, we must defer to the doctors and accept their findings that Ronwin is 'capable.'

(The number of doctors so holding since 1975 is now seven (7) as against one (1) perjured, alleged "expert.") However, the subsequent sentence in Respondent's decision, Appendix, p.14-15, reveals that, regardless of the medical evidence, Respondent adheres to the irrational, "non-medically recognized mental condition."

Respondent's labelling of Ronwin as

"mentally unable" based on the use of untried and untested allegations in cases never placed within its jurisdiction for adjudication, as related above, is also irrational. As demonstrated, supra, pp. 14-16, even when Ronwin's allegations are absolutely true, Respondent takes them as false, asserts it will not hear the matter and denies Ronwin his right to pursue his profession in Arizona, while at the same time labelling Ronwin not "mentally able."

Respondent's standards and methods for determining mental ability of applicants for Bar admission are irrational and, as bad, a thinly veiled attack on Ronwin's First Amendment right to vocalize his exposure of misdeeds by some parties connected with the judicial establishment in the State and District of Arizona.

#### CONCLUSION

Respondent's definition of mental ability, and techniques and methods for determining same are both irrational and dangerous assaults on First, Fifth and Fourteenth Amendment rights. If left unreversed, Respondent's procedures will find emulation in other States, though said procedures constitute an arrogant defiance of this Court's lucid decisions prohibiting Respondent's activities complained of herein.

For the foregoing reasons, the Writ of Certiorari should be granted.

Respectfully submitted

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DATED: September 15, 1983

(APPENDICIES FOLLOW)

APPENDICESIN THE SUPREME COURT  
OF THE STATE OF ARIZONA

En Banc

Filed: July 6, 1983

In the Matter of	)	
	)	Supreme Court
EDWARD RONWIN	)	Nos. SB-52-8
	)	SB-52-9

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APPLICATION FOR ADMISSION  
TO STATE BAR OF ARIZONA

DENIED

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Edward Ronwin	Urbandale
In Propria Persona	Iowa

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FELDMAN, Justice

This application for admission to the Arizona Bar has a long, unhappy and complex history.

## HISTORY OF PROCEEDINGS

Edward Ronwin (Ronwin) graduated from the College of Law at Arizona State University in January of 1974. He took both the Arizona and Iowa Bar examinations during that year. He passed in Iowa, but

failed the Arizona examination. He was admitted to practice by the Iowa Supreme Court in June 1974 and is still a member in good standing of that bar.

Ronwin petitioned the Committee on Examinations and Admissions for review of the grading of his examination papers. That petition was denied, as was a similar petition subsequently filed in this court. Certiorari was then denied by the United States Supreme Court. Ronwin v. Committee on Examinations and Admissions, 419 U.S. 967, 95 S.Ct. 231, 42 L.Ed.2d 183 (1974). Ronwin petitioned to retake the bar examination at the July 1974 sitting. Permission was denied because the Committee on Examinations and Admissions refused to certify that he was "mentally and physically able to engage in active and continuous practice of law" as required by Rule 28(c) (IV), Arizona Rules of the Supreme

Court, 17A A.R.S.<sup>1</sup> We then appointed a special committee to hold a formal evidentiary hearing regarding the allegations of mental unfitness. This hearing was conducted pursuant to Rule 28(c) (XII) (C). The special committee found that Ronwin suffered from a "personality disorder" which resulted in (a) unreasonable suspicions that persons who dealt with him and did not meet his desires were activated by bad motives and that he was, therefore, the "object of unfair persecution." As a result, the committee concluded that if admitted, Ronwin would "act upon such imagined wrongs" by: (b) making "irresponsible and highly derogatory untrue public accusations and charges against persons in responsible positions which he knows or reasonably

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<sup>1</sup> The rules of the supreme court will be referred to as Rule\_\_\_\_\_.

(Petitioner's comment on the court's footnote 1: The underlined space is blank in the original decision.)



should know are without any factual basis or support..."; and (c) bringing and pursuing "with great persistence groundless claims in court proceedings and otherwise", thereby subjecting others to needless expense and concern. The committee decided that in representing others Ronwin would subject his clients, adversaries, opposing counsel and the court to "groundless charges of misconduct and impropriety" if his views regarding the law were opposed and not sustained by the court. On these bases, the committee found Ronwin was not mentally fit for the practice of law and declined to recommend him for admission. Ronwin petitioned this court for review of that finding, seeking leave in the interim to take the Arizona bar examination. Permission to take the bar examination was denied.

After review of the record, we concluded that the committee had properly assessed

Ronwin's personality problems, and that those problems would affect his ability to "reasonably deal with the type of social interaction" required in the practice of law. Application of Ronwin (Ronwin I), 113 Ariz. 357, 359, 555 P.2d 315, 317 (1976), cert. denied, 430 U.S. 907, 97 S.Ct. 1178, 51 L.Ed.2d 583 (1977). We concluded that finding (b) of the committee was sustained, and ordered that Ronwin not be admitted. We did not agree with the committee on ground (c) since we believed that Ronwin had a right to resort to the legal system to "express his grievances where, as in this case, there [was] credible evidence that the actions [filed by Ronwin] were brought with good faith belief in their merit." Id. at 360, 555 P.2d at 318 (foot-note omitted).

Ronwin applied for permission to take the bar examination in Arizona at various times between February 1977 and February

1980, and each application was denied. The current applications for admission, SB-52-8 and SB-52-9<sup>2</sup> were supplemented by Ronwin several times at the request of this court. In October of 1981, we ordered that Ronwin be permitted to take the February 1982 bar examination, and reserved the issue of his fitness. Ronwin failed a portion of the February 1982 bar examination, but passed the July 1982 examination.

For reasons which will become apparent later in this opinion, the current applications have not been referred again to the committee. The ultimate responsibility for admitting candidates for the practice of law is vested in this court. Ron-

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<sup>2</sup> SB-52-8 is the file containing matters relevant to Ronwin's application for permission to take the 1982 bar examination. As indicated, that permission was granted and Ronwin eventually passed the examination. SB-52-9 is the file relevant to Ronwin's present application for admission in the event that he did pass the examination.

win I, 113 Ariz. at 358, 555 P.2d at 316; Application of Levine, 97 Ariz. 88, 91, 397 P.2d 205, 207 (1964); Rule 28(c)(XII)(F)(2). We have determined to discharge that responsibility directly in this case.

We permitted Ronwin to support his applications by a written report from a psychiatrist who had examined him in Iowa. Ronwin also agreed to submit to examination by a psychiatrist and a clinical psychologist appointed by this court. By subsequent order, we referred the question of fitness to the Honorable Paul LaPrade, a Judge of the Superior Court of the State of Arizona. Pursuant to the order of reference, Judge LaPrade was to act as a master, conduct a hearing and report to this court. Subsequently, Ronwin and counsel appointed by this court to aid the master in making a just determination stipulated to submit the issues to the master on the written record in SB-52-8

and SB-52-9, without an evidentiary hearing. The master's report was to be based upon the contents of the record in the two petitions, together with the written reports of the psychiatrists and psychologist.

Ronwin then moved for permission to withdraw the stipulation, contending that it limited the master to consideration of those matters in the files of SB-52-8 and SB-52-9 and had contemplated a decision within one week to ten days. Ronwin's motion for permission to withdraw from the stipulation was denied. The master's report was filed in this court on November 4, 1982. The master concluded that Ronwin was not mentally fit for the practice of law. In reaching this conclusion, however, the master went beyond the limits of the stipulation and considered certain pleadings and affidavits signed and filed by Ronwin in various cases in which he was

plaintiff and had appeared pro se.<sup>3</sup> On Ronwin's objection, we struck the extraneous matters from the master's report. Upon further consideration, however, we have concluded that because the master's report was based upon many evidentiary items which were not within the parameters of the submission by the parties, it would be better for us not to rely upon that report. Since we have the ultimate responsibility for determination of fact and law, Levine, 97 Ariz. at 92, 397 P.2d at 207, we have decided to make an independent review of the record without again referring the matter to a master. Rule 28(c)(XII)(F) contemplates such a procedure.

As we stated in Ronwin I, supra, the

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<sup>3</sup> The caption and number of each of these cases were referred to in the records of SB-52-8 and SB-52-9, but Ronwin complained that his stipulation to waive an evidentiary hearing was based upon the agreement that the matter would be submitted "solely on the basis of the written [medical] reports...and on the contents of the record in SB-52-8 and SB-52-9 as it currently exists."

practice of law is not a privilege; it is a right. While similar to the right to engage in other occupations, it is subject to regulation to ensure that those who engage in the practice of law have the necessary mental, physical and moral qualities required. Id. at 358, 555 P.2d at 316; see also Schwere v. Board of Bar Examiners of State of New Mexico, 353 U.S. 232, 239, 77 S.Ct. 752, 756, 1 L.Ed.2d 796 (1957). Thus, the applicant for admission "has the burden of establishing...that he is 'mentally ...able to engage in active and continuous practice of law.'" Ronwin I, supra. Each case must be judged on its own merits "and an ad hoc determination in each instance must be made by the court." Application of Klahr, 102 Ariz. 529, 531, 433 P.2d 977, 979 (1967).

We are therefore charged with the responsibility of making an independent review to determine whether the applicant

is mentally fit for the practice of law. Unlike the master, our review is not curtailed by stipulation and may be as broad as allowed by law. Among other things, we may take judicial notice of such adjudicative facts as are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Ariz. R. Evid. 201(b).

In this connection, we gave Ronwin notice by order dated April 27, 1983 that the master's report would be stricken and that we would make an independent review of fact and law. We stated that our review of the facts would extend to matters established on the record of our files and the record of the files of the United States District Court for the District of Arizona in certain, specified cases. We allowed applicant to file a memorandum directed to this procedure and to the issues raised by the record referred to in our



order of April 27. We also allowed applicant to submit by affidavit or offer of proof any factual matter which he wished us to consider. Applicant did file a document entitled "Motion Concerning Order of April 27, 1983" in response to our order.

#### INDEPENDENT REVIEW

##### The Issue

In conducting our review, we find the expert medical opinions instructive. The psychiatrist from Iowa, Dr. Taylor, reported that he "found no indication that [Ronwin] now suffers...from any type of mental illness, mental disorder or mental defect." Acknowledging that applicant possessed personality traits "which might be termed unpleasant or abrasive by those adopting positions in opposition to those held by Ronwin," Dr. Taylor stated it was "possible" that such traits would not impair Ronwin's ability to competently prac-

tice law.

Both the psychiatrist and psychologist appointed by this court to make an independent examination found that Ronwin suffers from a "compulsive personality disorder" defined on Axis II of the DSM III of the American Psychiatric Association. The psychologist's opinion was that this disorder would "not necessarily impair [Ronwin's] capability to conform to the rules and ethical considerations of the American Bar Association." (Emphasis supplied.)\* The psychiatrist stated his opinion that Ronwin was "capable of conforming to the rules and ethics of the code of professional conduct." (Emphasis supplied.)\* Both doctors found that the compulsive personality disorder manifested itself in overzealousness in the pursuit of what

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\*(Petitioner's footnote). The emphasis and parenthetical phrases are found in the original decision.

Ronwin considered to be justice and was marked by paranoid attitudes, lack of flexibility, hypersensitivity, inability to compromise, perfectionism, obsessive preoccupation with details, suspiciousness and hostility.

We are aware that such traits are not exclusive to Ronwin and are found in the emotional makeup of many human beings. The question is whether these behavioral traits and the emotional problems which cause them are sufficient in magnitude and duration that they may be expected to affect the applicant's conduct as a lawyer and, to a significant degree, cause it to fall below acceptable standards. The issue thus is not merely capacity and capability, but also behavior. On the former issue, we must defer to the doctors and accept their findings that Ronwin is "capable." On the latter, we must examine the record to determine if it establishes that Ron-

win's personality disorder impairs his conduct to such a degree that he is not mentally able to engage in the practice of law.

#### The Record

Following the decision in Ronwin I, Ronwin commenced a series of legal actions against various members of the Arizona State Bar.<sup>4</sup> The basis of these actions was Ronwin's belief that there was a conspiracy to prevent his admission to the Arizona Bar. In Ronwin v. Daughton<sup>5</sup>, Ron-

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<sup>4</sup> Under Ariz. R. Evid. 201(b), we take notice of the contents and disposition of the file in each of the cases referenced in this opinion. We take notice that the cases exist, that allegations are made, etc. We cannot and do not take notice of the truth or falsity of specific allegations except as established by final judgment.

<sup>5</sup> Information pertaining to all actions filed by Ronwin and mentioned in this opinion will be found in Appendix A to this opinion.

win brought a civil rights action (see 42 U.S.C. § 1981 et seq.) against all members of the special committee appointed by this court to hold the evidentiary hearing regarding his mental ability to practice law. In addition, he included as defendants those attorneys who had represented the state bar in the proceedings before the committee, his own attorney, and several of the witnesses who testified, including the dean and assistant dean of the law school, both of whom had testified in his behalf. In Ronwin v. Segal, he brought a civil rights action against members of this court's Committee on Character and Fitness, formerly a part of the Committee on Examinations and Admissions. In Ronwin v. State Bar of Arizona, he brought an antitrust action against members of the Supreme Court Committee on Examinations and Admissions. In Ronwin v. Gage, applicant filed a third civil rights action

against the members of an Arizona State Bar Administrative Committee, joining the members of this court. In Ronwin v. von Ammon (von Ammon I), applicant brought a civil rights action against the attorneys who had represented the Arizona State Bar in several of the previous actions, joining in the process his former attorney, the members of this court and two judges of the United States District Court for the District of Arizona. In Ronwin v. von Ammon, (von Ammon II), applicant brought a fifth civil rights action against many of the same defendants previously sued. In addition, Ronwin named a third federal judge, the Clerk of the United States District Court and an Assistant United States Attorney as defendants. The members of this court were also joined as defendants. In Ronwin v. Shapiro, Ronwin commenced an action against a law student at the University of Arizona who had written a casenote

on Ronwin I. In this action, one of the editors of the law review and the members of the Arizona Board of Regents were also named as defendants. This list does not exhaust the actions Ronwin has filed in response to the denial of his application for admission to the Arizona Bar.

We assume, arguendo, that much of this may have been precipitated by the religious harassment to which Ronwin alleges he was subjected during the years 1972-1974 at the hands of some students in the College of Law at Arizona State University. See Ronwin I, 113 Ariz. at 359, 555 P.2d at 317. Outrage over this certainly would be an appropriate reaction; given Ronwin's personality traits as described in the psychological reports, it is easy to understand why Ronwin's reaction exceeded outrage. Lawyers certainly have the right to become outraged and to

resort to litigation when they have a good-faith belief that they have been wronged, but they do not have the right to file actions or commence proceedings which are vexatious or harassing in nature. See In re Martin-Trigona, 55 Ill.2d 301, 308-10, 302 N.E.2d 68, 72-73 (1973); see also Matter of Wetzel, 118 Ariz. 33, 35, 574 P.2d 826, 828 (1979). Nor do lawyers have the right to behave inappropriately while acting as lawyers, even if they are representing themselves. See In re Martin-Trigona, supra; In re Mezzacca, 67 N.J. 387, 389, 340 A.2d 658, 659 (1975).

These principles are not limited to case law. Arizona has adopted, with some modifications, the Model Code of Professional Responsibility. Rule 29(a). DR 7-106(C) (6) states that a lawyer shall not "[e]n-  
gage in undignified or discourteous conduct which is degrading to a tribunal." DR 8-102(B) states that a "lawyer shall



not knowingly make false accusations against a judge or other adjudicatory officer." Ariz. R. Civ. P. 11 also forbids inserting "scandalous or indecent" matters in pleadings and requires a belief in the existence of good grounds to support all allegations, with provision for disciplinary action where appropriate. Implicit in these rules is the requirement that lawyers exercise restraint in language and deed while acting as lawyers, particularly in relation to litigation. See Model Code of Professional Responsibility EC 7-36, 7-37, 7-38 (1980). The rules are explicit on the question of litigation. A lawyer "shall not" file actions, assert positions or take other action on behalf of clients when he or she knows "or when it is obvious that such action would serve merely to harass or maliciously injure another." DR 7-102(A)(1) (emphasis supplied)\*.

Nor should they file claims or actions unless the case is supported by law or tenable argument. Id. (A) (2). What lawyers cannot do for clients, they cannot do for themselves. Matter of Wetzel, supra. Violation of the foregoing requirements is grounds for denial of admission. In re Martin-Trigona, supra; Application of Feingold, 296 A.2d 492, 500 (Me. 1972).

From examination of the pleadings and affidavits prepared, signed and filed by Ronwin in our files and in the various federal court actions, it is apparent that applicant's personality disorder affects his conduct. With neither care nor caution, and restrained only by the outer limits of his intense anger, Ronwin has filled his pleadings with allegations of serious misconduct against the willing and unwilling participants in the proceedings which have led him to his present plight. These are not allegations

of legal error, but, rather, accusations of knowing misconduct, plus misfeasance in office. In von Ammon II, Ronwin accuses the dean and assistant dean of the law school not only of tolerating anti-Semitic behavior, but also of knowingly participating in an "engineered fraud" to keep Ronwin out of the bar by sending Ronwin to a lawyer who would participate in "rigging" the hearing before the Special Committee. Ronwin alleges that a motion for security for costs filed by the defendants in one of the district court actions was granted because the judge was manipulated by the defendants' lawyers who were friends of the judge; for that reason, he alleges, the district court judge "knowingly tolerated criminal behavior" by those lawyers. He alleges further that this supposedly occurred because the Clerk of the United States District Court had joined the conspiracy against Ronwin and had intention-

ally altered procedures in the Clerk's office so that the case could be assigned to a district court judge who was friendly toward the lawyers representing the defendants. Ronwin alleges that an Assistant United States Attorney for the District of Arizona disregarded his duty by defending the federal judge instead of prosecuting him. In von Ammon I, we are told that a different federal judge knowingly tolerated illegal activity by attorneys; this allegedly occurred as a result of unlawful conduct by members of the Arizona State Bar who had influence over both the state and federal judiciary and engaged in a criminal and fraudulent process of manipulating court decisions. In Ronwin v. Gage, state bar counsel, committee chairmen and members of state bar committees are all accused of participating in an engineered sham and fraud. Lawyers in the various proceedings are accused of having committed perjury,

of suborning witnesses, making fraudulent allegations and engaging in a conspiracy against Ronwin. Ronwin's counsel in a previous case is accused of having joined the conspiracy to violate Ronwin's rights. A list of these accusations could go on ad infinitum. The true flavor, however, can only come from Ronwin's words; examples are quoted in the Appendix B.

Ronwin's pleadings in the United States District Court touch upon many if not most District Court Judges with whom he came in contact, including a visiting judge from the Southern District of California. The Clerk, Assistant Clerk and members of the Office of the United States Attorney are accused of involvement in the conspiracy. An Assistant United States Attorney was sued on the allegation of having joined the conspiracy by refusing Ronwin's request to prosecute a district judge who had allegedly acted illegally by knowingly

tolerating the acts of applicant's attorney.

The record in our own court is similar. The decision in Ronwin I is alleged to have been "based on an engineered fraud and collusion by several members of the bar." In commenting on footnote 1 of Ronwin I, applicant states that it sets "an anti-semitic standard" which is that "if an applicant for admittance...becomes hypersensitive and aggressive against anti-semiticism [sic] that applicant becomes disqualified..."<sup>6</sup> In a complete manifestation of lack of perspective, Ronwin compares his situation to that of the European Jews whose fate in the holocaust was sealed by the world's diplomats in 1938 at the conference at Evian-les-Bains.

The dean of the law school at Arizona

<sup>6</sup> The footnote in question actually states that applicant's hypersensitivity and aggressiveness (as mentioned in the psychological reports) aggravated the normal repugnance "[which] an individual would feel as the brunt of such remarks." 113 Ariz. at 359 n.1, 555 P.2d at 317 n.1.

State University is described as "that incompetent liar and fraud." The foregoing examples are taken from the first five pages of Ronwin's Motion to Rehear in Ronwin I; this was filed six years after the decision became final and is part of the file in SB 52-9. In other pleadings in the file, Ronwin accuses the clerk of this court of intentional and knowing destruction of part of the record in this case.

The examples cited suffice to establish that Ronwin's reaction to adversity manifests itself in behavior which is grossly improper for a lawyer and which cannot be tolerated. This conclusion does not evince a lack of toleration for Ronwin; it simply acknowledges that we can make no special rule for Ronwin. What is permitted Ronwin is necessarily permitted all other members of our bar. Habitual filing of actions against adjudicatory officers, witnesses and opposing counsel is both vexatious and

harassing. Worse, it is a tactic calculated to intimidate. It cannot be tolerated unless we are willing to surrender reason to those whose conduct is uninhibited by reality and civility. Adjudication of facts and resolution of legal disputes cannot be properly accomplished in the absence of restraint and civilized behavior by lawyers. Care with words and respect for courts and one's adversaries is a necessity, not because lawyers and judges are without fault, but because trial by combat long ago proved unsatisfactory.

We agree with the reasoning of the Maine Supreme Court in Application of Feingold, supra:

The efficient and orderly administration of justice cannot be successfully carried on if we allow attorneys to engage in unwarranted attacks on the court, opposing counsel or the jury. Such tactics seriously lower the public respect for both the Court and the Bar. It is the duty of an attorney to present his case in an orderly fashion and not



to engage in conduct repugnant to the just determination of the issues in controversy. Turbulent, intemperate or irresponsible behavior is a proper basis for the denial of admission to the bar.

296 A.2d at 500, citing In re Latimer, 11 Ill.2d 327, 143 N.E.2d 20 (1957); Ex Parte Keeley, 189 P. 885 (Or. 1920). See also State v. Turner, 217 Kan.574, 538 P.2d 966 (1975); In re McAlevy, 69 N.J. 349, 354 A.2d 289 (1976).

#### THE FIRST AMENDMENT

When questioned by members of this court in oral argument, Ronwin demonstrated a sincere belief in his right to behave in the manner described above. He contends that he has a first amendment right to speak and write as he wishes and to say anything which he believes to be true. This may be true, but we believe that any such absolute first amendment right must be exercised somewhere other than the courtroom.

We do not refuse admission because of an applicant's beliefs or an applicant's exercise of the right of free speech. We long ago crossed that bridge in Application of Levine, supra. In Levine, the committee recommended that admission be denied because it believed that the applicant did "not possess the sense of public responsibility which a lawyer should have" as evidenced by the fact that the applicant had publicly criticized the Federal Bureau of Investigation and its Director, J. Edgar Hoover. Id. at 90, 397 P.2d at 208. We ordered that the applicant be admitted. Writing for a unanimous court, Justice Struckmeyer quoted the following language from the United States Supreme Court's opinion in New York Times Company v. Sullivan, 376 U.S. 254, 270, 84 S.Ct. 710, 721, 11 L.Ed.2d 686 (1964):

[W]e consider this case against the background of profound national commitment to the principle that debate

on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.

Id. at 97, 397 P.2d at 211. Justice Struckmeyer concluded:

[N]o rule or principle of law compels the critic of official conduct in his utterances, public or private, to guarantee absolutely the truth of all his factual expressions, certainly not on the chance that he will be barred from his profession or vocation in case the utterances are later found to be erroneous.

Id.

There is no inconsistency between our holding in Levine and the views expressed today. Levine's alleged transgressions, if criticism of a federal agency and its director can be considered as such, involved speaking his mind and writing his thoughts in a non-judicial forum. Public entities and their officers are subject to criticism, pleasant or unpleasant, whether based on fact or belief. In judicial proceedings,

however, lawyers are required to show both accuracy and restraint; statements should not be made absent a basis in fact and law. We acknowledge, arguendo, that applicant believes he is the victim of a conspiracy which encompasses this court, most of the federal bench, the organized bar, the bar committees and the lawyers who have participated in the various cases. This is the recurring theme in the civil rights actions which Ronwin filed. We think, however, that Ronwin's sincere belief in this supposed, wide-ranging conspiracy against him is not all that is required for the practice of law. Belief unrelated to reason is a hallmark of fanaticism, zealotry or paranoia rather than reasoned advocacy. The practice of law requires the ability to discriminate between fact and faith, evidence and imagination, reality and hallucination. Further, epithets, verbal abuse, unfounded accusations and

the like have no place in legal proceedings. While occasional lapses in decorum are usually overlooked, Ronwin's transgressions exceed occasional anger or loss of control. They form a pattern and a way of life which, on this record, appears to be applicant's normal reaction to personal or professional adversity. See Casenote, Admission to the Bar: Mental Fitness Requirements in Arizona, 19 Ariz. L. Rev. 672, 680 (1977).

Thus, we agree with the reasoning of the Illinois Supreme Court in In re Martin-Trigona, *supra*:

Petitioner contends that [his statements are] protected by the first amendment's freedom of speech provision...Thus, while he concedes these communications are unusual and forceful, he maintains that no action may be taken against him. The question presented is not the scope of petitioner's rights under the first amendment but whether his propensity to unreasonably react against anyone whom he believes opposes him reveals his lack of responsibility, which renders him unfit to practice law.

Id. at 308, 302 N.E.2d at 72.

The profession's insistence that counsel show restraint, self-discipline and a sense of reality in dealing with courts, other counsel, witnesses and adversaries is more than insistence on good manners. It is based on the knowledge that civilized, rational behavior is essential if the judicial system is to perform its function. Absent this, any judicial proceeding in [sic] likely to degenerate into verbal free-for-all and some, no doubt, into physical combat. Thus, Ronwin's behavior does not present the question of free speech, but of habitual unreasonable reaction to adverse rulings. It is conduct of a type not to be permitted of a lawyer when acting as a lawyer. What cannot be permitted in lawyers, cannot be tolerated in those applying for admission as lawyers. Id. at 310, 302 N.E.2d at 73.

## EVIDENTIARY HEARING

Ronwin demands an evidentiary hearing at which he would present evidence in an attempt to establish his grounds to believe in the truth of each of the many allegations and charges which he has made against judges, lawyers, clerks, committee members, etc. If the truth or his belief in the truth of each of these allegations were of importance to this decision, due process would entitle Ronwin to such a hearing. We believe, however, that an evidentiary hearing is unnecessary and inappropriate for the following reasons:

First, in his pleading entitled "Motion Concerning Order of April 27, 1983," Ronwin requests that we review previous medical reports filed in SB-52-2 and 52-3, as well as the testimony given by Dr. Taylor before the Iowa Supreme Court in 1977 and the reports of Drs. Barnes, Gray and Tuchler. All of this material is more than

six years old and, for that reason, is not particularly helpful with respect to Ronwin's present situation. In any event, we do not believe that any of this material conflicts<sup>7</sup> with the more recent information

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<sup>7</sup> For instance, in his report of December 23, 1974, Dr. Gray concluded that:

There is no evidence that Dr. Ronwin is suffering from any organic mental illness, functional psychosis, or severe psychoneuroses. There is some evidence to support a diagnosis of a personality disorder but such categories are blurred at best and are variously diagnosed by independent examiners.

While Dr. Ronwin possesses traits that may engender negative reactions in some people who deal with him they are not of sufficient degree to warrant excluding him from practicing his profession on psychiatric grounds.  
(Emphasis supplied).

Dr. Barnes, on November 19, 1974, described applicant's personality in great detail, preferring "to avoid the use of diagnostic terms." Without the use of labels, Dr. Barnes described Ronwin's personality at length. His assessment is set forth in Appendix C. While we should not rely on that assessment, and do not because of its age, Ronwin has asked us to consider it, and it does, indeed, indicate that the problems which are with him today are of long standing duration.



from Dr. Taylor and from the psychiatrist and psychologist who examined Ronwin in these proceedings.

Second, we will not deny an applicant admission merely because he or she has filed legal actions accusing this court and the bar of violations of the applicant's civil rights or of the law. We will deny admission where, years after Ronwin I became final, applicant has refused to accept the decision and has continued to file vexatious actions, almost none of which was based on sound legal theory and most of which indicate that applicant's emotions have overcome his sense of proportion and his knowledge of the law. We reach this conclusion about the actions filed by Ronwin from the disposition of each case as shown in the files of the Clerk of the United States District Court for the District of Arizona. (See

Appendix A, indicating disposition of each of the actions.)

Third, even if Ronwin had grounds to sue some members of the bar and bench for misconduct, the accusations can and should be made without vilification and use of provocative language. It is, for example, required and possible to plead a cause of action for violation of civil rights without making the allegation that the defendant is an "incompetent liar and fraud." See In re Martin-Trigona, supra. It is possible to allege conspiracy to violate civil rights or antitrust law without applying similar epithets.

Fourth, we do not believe that a lawyer has a right to use the legal process for the purpose of harassing those who act contrary to his wishes or offend him by failing to agree with his viewpoint. We find, for instance, the action which Ronwin brought against the author of the

casenote in the Arizona Law Review, the editor and the board of regents to be harassing in nature and wholly without legal or procedural merit. This finding is based upon our reading of Ronwin I, the casenote and the decision in Ronwin v. Shapiro, 657 F.2d 1071, 1075-76 (9th Cir. 1981).

Fifth, we find Ronwin's use of language with regard to the federal bench and the Clerk's office wholly inappropriate and demonstrative of a lack of respect for the judiciary.

Sixth, in our order of April 27, 1983, we allowed Ronwin to submit by affidavit or offer or proof any factual matter which he deemed relevant. Except for the additional medical reports, which we have now considered, he refused to submit such information.

Finally, the right to an evidentiary hearing must fall once the essential na-

ture of the barrage of Ronwin's allegations is appreciated. Ronwin does not merely complain that a specific witness, lawyer, judge, clerk or officer acted improperly or illegally. The essence of his complaints, when viewed in their totality, is both implicitly and explicitly that judges, lawyers, court officers and others have engaged in a conspiracy to deprive him of his right to practice law. The essence of the factual question urged by Ronwin is not whether a particular judge or particular lawyer acted incorrectly--indeed much of this is foreclosed by the finality of Ronwin I--but, rather, that all these acts were part of a conspiracy against him. It is on this fundamental question that he demands a right to present evidence, and it is primarily on this fundamental question that we now deny him a factual hearing.

If applicant is entitled to an evidentiary hearing on the fundamental, ultimate proposition that bench and bar are involved in a conspiracy devoted to his destruction, it must be in a forum other than ours. We cannot, for instance, take evidence on our own integrity; we do not propose to hold a wide-ranging inquiry on the integrity and honesty of the Judges of the United States District Court for the District of Arizona, the attorneys in the United States Attorney's Office for the District of Arizona, the Clerk of this court, the Clerk of the United States District Court, their deputies, the Arizona Bar, the College of Law, etc., ad infinitum.

#### RECUSAL PROBLEMS

Yet another problem arises. One member of this court recused himself after oral argument because he felt too personally

involved in the case to participate in the decision. That leaves four members of this court. Each has been made a defendant by Ronwin in various actions.<sup>8</sup> If we are to recuse ourselves simply because we have been sued by the applicant, then who is left to decide this case? As the Ninth Circuit stated: "'[A] judge is not disqualified merely because a litigant sues or threatens to sue him.' Such an easy method for obtaining disqualification should not be encouraged or allowed." Ronwin v. State Bar of Arizona, 686 F.2d at 701, quoting United States v. Grismore, 564 F.2d 929, 933 (10th Cir. 1977); see also Smith v. Smith, 115 Ariz. 299, 303, 564 P.2d 1266, 1270 (App. 1977). We agree; the mere fact that a judge has been sued

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<sup>8</sup>We note that the members of this court and the attorneys who have acted in its behalf have again been named defendants in an action filed by Ronwin in the United States District Court for the District of Arizona, No. Civ 83-1036 PHX-CLH, filed June 6, 1983.

by reason of his rulings in a case does not require recusal. Nor can the fact that all judges in the court have been sued require recusal. To honor such a technique would be to put the weapon of disqualification in the hands of the most unscrupulous.

#### CONCLUSION

Ronwin has not established that he is mentally fit to practice law. Manifestations of improper conduct include the filing of unwarranted legal actions against numerous individuals connected with Ronwin's unhappy experience in applying for admission to the Arizona Bar. While we indicated in Ronwin I that we hesitated to fault the applicant for bringing legal actions which he believed were well founded, we must conclude from the number of actions, from their disposition, from filings against persons so peripherally

involved (for example, the Assistant United States Attorney, the author of the casenote in the Arizona Law Review, the Arizona Board of Regents and Mr. von Ammon<sup>9</sup>) and from the language used, that applicant has acted and will continue to act in an irresponsible manner when he fails to gain his objectives. The refusal to accept the finality of Ronwin I, followed by the filing of unwarranted, vexatious, and harassing actions constitutes grounds for denial of admission. We conclude further that applicant's use of intemperate, provocative language and epithets; his lack of control, restraint and civility; and his custom of vilifying those who oppose him are all im-

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<sup>9</sup>Mr. von Ammon is, perhaps, not peripherally involved. He is a respected member of the Arizona Bar and therefore was asked by this court to serve as counsel for the State Bar, this court and its committees. The cases in which Mr. von Ammon agreed to serve are not pleasant litigation. We doubt, however, that he expected that as a result of serving this court and the bar he and members of his firm would be made defendants in multiple litigation.



proper conduct for an attorney and constitute grounds for denial of admission. We have previously remarked on such conduct in the following words:

While the record does not clarify whether this incapacity [to act in a professional manner] results from respondent's ignorance of certain rules governing the conduct of attorneys in Arizona, or from his emotional inability or philosophical unwillingness to adjust his conduct accordingly, his conduct and attitude demonstrate that he is currently unfit to practice law.

Matter of Wetzel, 118 Ariz. at 36, 574 P. 2d at 829 (1978).

The record overwhelmingly establishes that Ronwin's personality traits result in behavior which demonstrates a lack of "qualities of responsibility, candor, fairness, self-restraint, objectivity and respect for the judicial system are necessary adjuncts to the orderly administration of justice." In re Martin-Trigona, 55 Ill.2d at 312, 302 N.E.2d at 741. After

review of these problems, we hold that applicant is not mentally able to engage in the practice of law and should not be admitted to the bar. Therefore, the application for admission is denied.

Applicant will be permitted to reapply when and if he can establish that he is able to control his conduct in such a manner that the bar and bench will have some assurance that his behavior will conform to that which is expected of lawyers in our system of justice.

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STANLEY G. FELDMAN, Justice

CONCURRING:

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WILLIAM A. HOLOHAN, Chief Justice

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JACK D. H. HAYS, Justice

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JAMES DUKE CAMERON, Justice

Note: Vice Chief Justice Frank X. Gordon, Jr., having recused himself, did not par-

ticipate in the determination of this matter.

APPENDIX A  
(To Respondent's Decision)

Ronwin v. Daughton, No. CIV-76-872 PHX-WPC (D. Ariz., filed November 26, 1976). Complaint dismissed March 4, 1977 as to all defendants, based on grounds of lack of subject matter jurisdiction, no federal question presented, res judicata and judicial immunity; aff'd No. 77-2318 (9th Cir. 1979).

Ronwin v. Segal, No. CIV-76-924 PHX-WPC/MLR (D. Ariz., filed December 13, 1976). Complaint dismissed June 6, 1977; aff'd No. 77-2567 (9th Cir. 1980).

Ronwin v. State Bar of Arizona, No. CIV 78-193 PHX WPC/MLR (D. Ariz., filed March 13, 1978). Antitrust action dismissed October 12, 1979; aff'd in part, rev'd in part and remanded, 686 F.2d 692 (9th Cir. 1982). Ninth Circuit held examination and admis-

sion practices do not fall within "state action" immunity to antitrust laws; cert. granted, 51 U.S.L.W. 3825 (U.S. May 16, 1983) (No. 82-1474).

Ronwin v. Gage, No. CIV-78-214 PHX-WPC/MLR (D. Ariz., filed March 20, 1978). Summary judgment granted defendants October 12, 1979 on numerous grounds, including failure to state a claim, judicial immunity, lack of jurisdiction, res judicata and collateral estoppel.\*\*

Ronwin v. von Ammon (von Ammon I), No. CIV-79-175 PHX WEC/CAM (D. Ariz. filed March 6, 1979). Dismissed May 21, 1979 as to District Court judges on grounds of judicial immunity and consequent failure to state a claim; dismissed July 19, 1980 as to remaining defendants for failure to state a claim.

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\*\* (Petitioner's footnote): Since 1979, the federal judge involved, the Hon. Manuel L. Real of the Southern District of California, has still not ruled on a motion for new trial filed by Petitioner.

Ronwin v. von Ammon (von Ammon II), No. CIV-80-289 PHX-CAM (D. Ariz., filed April 18, 1980). Dismissed July 18, 1980 as to District Court Judges because action against them was "totally frivolous and vexatious," and as to numerous other defendants for failure to state a claim; dismissed January 28, 1981 as to Clerk of District Court and United States Attorney because action was "frivolous, vexatious and failed to state a claim," and as to Supreme Court Justices because there was no credible evidence that they participated in an illicit conspiracy and the court lacked subject matter jurisdiction. Attorney's fees were awarded to some of the defendants.

von Ammon I and von Ammon II were consolidated on appeal and aff'd 688 F.2d 848 (9th Cir. 1982).

Ronwin v. Shapiro, No. CIV-79-84 TUC-MAR (D. Ariz., filed March 29, 1979). Dismissed defamation action January 25, 1980;

aff'd 657 F.2d 1071 (9th Cir. 1981). Ninth Circuit affirmed dismissal of action against the Arizona Board of Regents and dismissed action as to author and editor under the privilege for fair report of judicial proceedings.\*\*\*

APPENDIX B  
(To Respondent's Decision)

In a letter dated May 23, 1981, to the Chief Judge of the United States District Court for the District of Arizona, Ronwin commented on the proceedings in federal court in both von Ammon cases. A copy of that letter was sent to this court and is part of the file in SB-52-9. In commenting upon the rebuttal argument of counsel for the state bar to Ronwin's charges that a

\*\*\* (Petitioner's footnote): Respondent fails to inform this Court that case numbers 76-924; 78-214; 79-175 and 80-289 were filed by Petitioner pursuant to Respondent's denial without any hearing whatsoever, despite demand therefor, of Petitioner's separate applications for admission to the State Bar of Arizona made in 1976, 1977, 1978 and 1979.

witness had lied, Ronwin had the following comments for the Chief Judge:

On p. 22,...of the item attached hereto [counsel for state bar] assures you and your court, sitting in the hearings on July 7/8, 1980, that:

"..The charges [that [the witness] lied under oath in his testimony before the Special Committee of the Arizona Supreme Court... and in his deposition in Civ. 78-214 PHX in this Court] are completely unjustified and totally unforgivable.."

From the material enclosed, it is beyond question that [counsel] knowingly lies. [Counsel] has done so on other occasions...

That [counsel] lies in his advocacy on behalf of the State Bar of Arizona and on behalf of the Arizona Supreme Court members -- keepers of the ethical conscience of the Arizona legal community -- is scandalous. But that he deliberately lies in your Court in an official proceeding is outrageous in the extreme.

You had sufficient evidence before you to see the plain truth: [The witness] lies under oath; [counsel] was privy, indded, present at those episodes...and then [counsel] knowingly and wilfully lied in your Court about whether [the witness] lies in his testimony. Why did you tolerate



[counsel's] lie? And, how does such lying merit an award of attorney's fees to [counsel], and his helper,...and the Defendants who he represents?

[Counsel] states, p. 22,...attached item:

"..it would be cruel and inhuman punishment to require [the witness] to submit again to the kind of treatment that he has been previously treated to by Plaintiff in examination,"

which is another fraud by [counsel], who well knows that the "treatment" to which Plaintiff subjected [the witness] was to expose [the witness'] perjury and incompetence as to material herein proves; and, [counsel] well knows that the "cruel and inhuman punishment" is to subject a man of my learning and demonstrated ability in the practice of law to the anti-semitic outrage and abuse to which I have been subjected by the criminal scoundrels, liars and frauds like [counsel and several attorneys] and their helpers...

[Counsel's] lie about [the witness] is only one of many he has proffered to your Court whether presided over by you or by other judges. Why, as with [a District Court Judge's] refusal to take action against [an attorney] and [an attorney] for their outrage, is the Federal District Court in Arizona being used to protect these criminals?



I would like to have your response to my questions. I believe that you were not appointed to protect the hoodlums who have taken control of the Arizona State Bar; and, if you cannot apply the law without regard to the position or alleged reputation of those who come before you then you ought to resign.

APPENDIX C  
(To Respondent's Decision)

PSYCHIATRIC EVALUATION BY ROBERT H. BARNES,  
M.D., NOVEMBER 19, 1974

My descriptive characterization of the subject is as follows:

1. He is an extremely sensitive and insecure individual in his interpersonal relationships.
2. He is aggressive [sic], doggedly determined and obsessively preoccupied with actions he feels are directed against him. This may well be an attempt to overcompensate for his insecurity in interpersonal relationships.
3. He expresses an extremely high evaluation of his own abilities. This is certainly in part related to reality --he is very bright, well informed over a wide area of data and is a hard driving worker. Again, it may in part be an overcompensation for interpersonal insecurity.
4. He has little tolerance for individuals who disagree with him and has no hesitancy in being very outspoken

in his views

5. At times he appears to be very self righteous, single minded and somewhat grandiose in his evaluation of the importance of affairs involving his activities in his personal life.
6. He is often secretive about his personal affairs, although whether this can best be described as representing a general suspiciousness of others and their motives or a life long tendency to keep his own counsel is unclear. It would appear, however, that the former is the case -- i.e., a general suspiciousness is often involved.
7. He is not a man of personal violence but does aggressively react to what he considers as attacks, both verbally and by recourse to various institutional actions, including legal actions.
8. His approach to many problems is highly technical, "scientific," or legalistic, which gives the appearance at times of concreteness and compartmentalization in his thinking. This may also appear to others as a hostile, suspicious or very circumscribed and guarded response to their questions and general communications. This would tend to produce in many people a negative interpersonal reaction. This is probably also another factor in making it difficult for him to pass off a casual remark or question with an equally casual or humorous response. This in turn would lead to potential verbal confrontations not anticipated by the other person or persons.

9. Many of the above characteristics would be expected to lead to animosity and counter hostility, as well as feelings of jealousy and other resentments in many associates and colleagues. His natural aggressiveness and interpersonal discomfort in many social situations would in turn lead to his overreacting and thus, a vicious cycle of negative interpersonal relationships would be set up.

#### RECOMMENDATIONS:

I would predict this man would often provoke many negative responses in some of those in contact with him, both colleagues and clients and that he might well resort to legal actions on many occasions when others avoid them. He certainly might be a source of time consuming arguments and litigations on occasions.

On the other hand, he has many assets that would make me predict adequate functioning in many professional roles. He is well informed, intellectually bright, honest to the extent that he will commit himself and highly motivated and determined to achieve goals which he selects as being of significance. I cannot say that his judgment in all situations and occasions would be objective or that his emotional reactions and biases would not at times color his objectivity. However, I do not see the characteristics I have outlined in the previous section as being of a degree that would allow me to recommend that he be excluded from the right to prac-

tice a profession for which he has been adequately trained.

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(CAPTION)

Filed April 27, 1983

O R D E R

On reconsideration, the Court grants applicant's motion to withdraw from the stipulation submitting the matter to the master without evidentiary hearing. Therefore, the report of the master cannot be accepted and is also stricken.

It is also ordered that the order of April 20, 1982 referring the matter to the master be and hereby is vacated.

The Court proposes to make an independent review of fact and law. A review of the facts will extend to the following:

A. The record of SB-52-8, SB-52-9 and all other files of this Court pertaining to the original application for admission or any other matter filed by applicant in this Court.

B. The record in the United States District Court for the District of Arizona in Nos. CIV-76-872, CIV-76-924, CIV-78-214, CIV-79-175, CIV-80-289, CIV-78-193 and CIV-79-84.

C. The reports of Drs. Aaron H. Canter, Richard E. H. Duisberg and Michael J. Taylor.

In considering its own records and the files of the district court actions, the Court proposes insofar as possible to take judicial notice of the matters contained in each file.

The primary purpose of such action is to assist the Court in determining from applicant's actions and conduct whether he is mentally fit for the practice of law.

Within 15 days from the date of this order, applicant may file a written memorandum in support of his position with regard to any of the foregoing matters and with regard to the issues presented from

the record. Applicant may also present in writing within 15 days any factual matter which he wishes this Court to consider as part of the record. Such factual matter may be submitted by means of affidavit, written offer of proof or in a similar manner.

DATED this 27th day of April, 1983.

/s/ WILLIAM A. HOLOHAN

WILLIAM A. HOLOHAN, Chief Justice

(CAPTION)

Mailed from Iowa on  
May 4, 1983 and filed  
shortly thereafter

MOTION CONCERNING ORDER OF APRIL 27, 1983

\* \* \*

For RONWIN to comply would be tantamount to:

(1) waiver of RONWIN's right to an evidentiary hearing; and,

(2) jousting at windmills.

\* \* \*

Under the United States Supreme Court's idea of due process, Goldberg v. Kelly as quoted hereinabove and as is binding on this Court, RONWIN is entitled to:

- (1) an evidentiary hearing;
- (2) cross-examination of adverse witnesses and the calling of RONWIN's witnesses;
- (3) be presented with the specifics of the charges against RONWIN and by whom made and upon what evidence. And it must be shown how any such evidence refutes RONWIN's prima facie showing and compliance with his burden, as even admitted by [the master], that RONWIN is mentally able to practice law.

(4) have an impartial decision maker who will rule on the "legal rules and evidence adduced at the hearing," Goldberg v. Kelly, supra.

RONWIN does not waive his right to the evidentiary hearing and to have the other due process safeguards regardless of what



"facts", and wherever this Court finds the "facts" that it intends to review. According to Goldberg v. Kelly, the place where this Court can find the "facts" and, the only place, are those "adduced at the hearing," 397 U.S. at 271, 90 S.Ct. at 1022.

\* \* \*

Again, if the Court wants to use allegations from wherever, RONWIN demands an evidentiary hearing with the right to call and to cross-examine witnesses, to have necessary discovery in advance of any hearing and to have the hearing at a meaningful time and place before an impartial decision maker, Goldberg v. Kelly, supra.

\* \* \*

DATED this 4th day of May, 1983.

/s/ EDWARD RONWIN  
Edward Ronwin

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(CAPTION)                      Filed May 25, 1983

The following action was taken by the Supreme Court of the State of Arizona on May 24, 1983 in regard to the above-entitled cause:

ORDERED: Motion Concerning Order of April 27, 1983 = DENIED.

Justice Stanley G. Feldman did not participate in the determination of this matter.

S. ALAN COOK, Clerk

By /s/ ANNA L. CATES  
Chief Deputy Clerk

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(Motion of Petitioner in a case whose record was allegedly viewed by Respondent, See Appendix, pp. 55-56, supra.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

EDWARD RONWIN,  
Plaintiff,

vs.

DONALD D. DAUGHTON,

)  
)  
)  
)  
)  
)

NO. CIV 76-872  
PHX MLR

Defendant )  
 )

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MOTION FOR ORDER DIRECTING CORRECTION  
 OF THE TRANSCRIPT OF PROCEEDINGS AND  
 FOR ORDER VACATING JUDGMENT

\* \* \*

"Your Honor, once again, I'm Jeremy Butler for my partner, John Frank, who is here in the courtroom.." (emphasis in original).

Mr. Butler then proceeded to explain, p.77, lines 7-11, T[ranscript of] P[roceedings]:

"In connection with what he claims part of the conspiracy pages left out of the Record, I'm advised that Mr. Ronwin made his own provision of what part of the Record he would enclose as a matter of economics. What he picked, we don't know." (emphasis and underlining in the original).

Mr. Butler does not speak the truth; possibly knowingly but certainly at the direction of Defendant FRANK who was in the courtroom and who certainly knew differently.

\* \* \*

RESPECTFULLY SUBMITTED this 25th day of  
 April, 1977.

(signature of Petitioner)

Affidavit of court reporter attached to the foregoing motion as an exhibit was captioned as follows:

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of the Application of EDWARD RONWIN to be admitted as a member of the State Bar of the State of Arizona

No. SB 52-2

STATE OF ARIZONA       )  
                                  ) ss. AFFIDAVIT  
COUNTY OF MARICOPA   )

I, JANICE SKILLMAN, a notary public in and for the State of Arizona, County of Maricopa, did take down in shorthand and reduce to typewriting a hearing before the Special Committee on Examinations and Admissions of the Supreme Court in the above entitled matter, held on January 6 and January 7, 1975.

The transcript of testimony ordered was completed and delivered to Edward Ronwin

on April 25, 1975. Said portion was ordered by Mr. John Frank, who at that time requested deletion of all argument. Subsequent to the delivery of that transcript Edward Ronwin requested the arguments of counsel be incorporated to make a complete transcript.\*\*\*\*

(Signature and Jurat)

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Defendant, John Frank's Response to Ronwin's motion is captioned identically to Ronwin's motion, see Appendix, pp. 60-61, supra.

(CAPTION)

No. CIV 76-872 PHX MLR

RESPONSE TO MOTION FOR ORDER DIRECTING  
CORRECTION OF TRANSCRIPT

It is true \* \* \*.

(Signature)

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\*\*\*\* (Petitioner's footnote): What was actually deleted was not "argument," but testimony of witnesses and highly relevant objections made by John Frank at said proceedings.